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October 21, 2015

**RESPONSES OF PATEL TRUST JULY 29, 1977
FOR
REQUESTED INFORMATION DATED MARCH 12, 2014**

Respondent Patel Trust July 29, 1977(the "Respondent"), hereby objects and responds to the U.S. Environmental Protection Agency's requests for information dated March 12, 2014, as follows. This Response was sent in 2014, but apparently was never received at that time. So, we send a new copy of the Responses of Patel Trust July 29, 1977 redated to the present and updated to today.

GENERAL OBJECTIONS

A. Respondents object to the Requests to the extent the definitions, instructions and preamble vary from and seek disclosure not contemplated by the Local Rules of the Eastern District of New York, The Federal Rule of Civil Procedure and vary in form or substance from those permitted usual and customary case management order in related litigation. The responses incorporate the Definitions and Construction contained in Local Rule 26.3.

C. Respondents object to the Requests to the extent the requests are over broad, vague and ambiguous, and are otherwise not reasonably calculated to lead to the discovery of admissible evidence.

D. Respondents object to the Requests to the extent the requests do not relate to information having a tendency to make the existence of any fact that is of consequence to the determination of the issues more probable or less probable than it would be without the information.

E. Respondents object to the Requests to the extent the Requests seek information the probative value of which is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the finder of fact, or by considerations of undue delay, waste of time, or needless disclosure of cumulative information.

F. Respondents object to the Requests to the extent the Requests seek disclosure of communications that are or contain privileged information within the meaning of the Federal Rules of Evidence, Rule 501.

G. Respondents object to the Requests to the extent the Requests seek disclosure of information or material protected from disclosure by the attorney work product doctrine or otherwise prepared in anticipation of litigation.

H. Respondents object to the Requests to the extent the Requests seek disclosure of information and material available from public sources that are as easily accessed by the EPA as Respondents.

I. Respondents object to the Requests to the extent the Requests seek duplicative disclosure of information and material previously produced to the NYDEC including in its related litigation.

J. Respondents' responses are made without in any way waiving the right to object, on the grounds of competency, relevancy, materiality, hearsay or any other proper ground, to the use of any such information for any purpose, in whole or in part, in any subsequent stage of this investigation or any other proceeding or the right to object on any and all grounds, at any time, to any other discovery procedure concerning the subject matter of these Requests.

REQUEST 1.

- a. State the correct legal name and mailing address of your company
- b. State the name(s) and address(es) of the President, Chief Executive Officer and the Chairman of the Board (or other presiding officer) of the Company.
- c. Identify the state and date of incorporation of the Company and the Company's agents for service of process in the state of incorporation, and in New York State.
- d. If your company is a subsidiary or affiliate of another corporation or entity, identify each of those other corporations or entities and for each, the President, Chief Executive Officer and Chairman of the Board. Identify the state of incorporation and agents for service of process in the state of incorporation and in New York State for each corporation identified in your response to this question.

RESPONSE:

- a. Patel Trust July 29, 1977 c/o Tishcon Corp, 50 Sylvester Street, Westbury, New York 11590
- b. Ashwin Patel, Trustee, c/o Tishcon Corp

c. California, July 29, 1977. The Trust has no agent for service of process in New York State, but counsel, McCarthy Fingar, LLP, attn: Peter D. Aufrichtig, Esq., 11 Martine Avenue, 12th Floor, White Plains, NY 10606 are authorized to accept service on behalf of the Trust.

d. N/A

REQUEST 2. Identify the address, Section, Block and Lot numbers, and the size of each property (hereinafter, “Property” or “Properties”) that your Company either presently owns and/or formerly owned within the Site from the date of your Company, or any related company had an ownership interest.

RESPONSE:

Subject to and without waiving the General Objections and more specifically, but without limitation, General Objection A and I, Respondents state as follows:

“Brooklyn Avenue” refers to the property, building and facility located at 30-36 New York Avenue/ 30-33 Brooklyn Avenue within the NCIA in Westbury, Nassau County, New York.

REQUEST 3.

For each Property identified in response to question 2, in which your Company has and/or had an ownership interest currently or in the past, please identify:

a. The date your Company acquired an ownership interest. An ownership interest includes, but is not limited to, fee owner, lessor or lessee, licensee and/or operator;

b. The name and address of all other current and/or previous owners;

c. All individuals or entities that have leased, subleased or otherwise operated at each Property at any time currently or in the past, and identify the dates (month and year) that each such individual or entity began and ended its leasehold interest or its operations;

d. Any portion of any Property which was transferred or sold, and the block and lot number, the date of the transfer or sale, the sale price and the entity that acquired the Property;

e. The relationship, if any, between your Company and each of the individuals and/or other entities identified as having leased or operated at each Property;

f. Your Company's involvement in all operations conducted by each lessee and/or other individual or entity identified in response to question 3c., above; and

g. For each Property, provide all documents relevant to your responses to questions 3a.-3f., above, and provide copies, including, but not limited to, copies of surveys, title search documents, deeds, rent rolls, leases and correspondence.

RESPONSE:

Subject to and without waiving the General Objections and more specifically, but without limitation, General Objection A and I, Respondents state as follows:

Brooklyn Avenue: The Patel Trust bought 36 New York Avenue from Mike Adams on November 16, 1988. The Patel Trust then bought 30 New York Avenue from Tishcon Corp. around 1990. Tishcon has been the tenant at all times since the Patel Trust acquired the ownership interest in 30-36 New York Avenue. Patel Trust has not had any role in the operations at 30-36 New York Avenue at any time.

REQUEST 4.

Provide copies of all maps, building plans, floor plans, and/or drawings for each Property identified in response to question 2., above. Your response to this question should include, but not be limited to, providing plumbing and drainage system plans for all structures on each Property.

For both current (if still in operation) and past operations during the period of time that the Company was at a Property, please identify and provide a description of the following:

- a. All surface structures and features (e.g., buildings, above-ground storage tanks, paved, unpaved areas and parking lots, and dates when paved areas were paved);
- b. All past and present plumbing systems, above and below-ground discharge piping, sumps, storm water drainage systems, sanitary sewer systems, septic tanks, dry wells, subsurface disposal fields, and underground storage tanks; and
- c. All currently existing and previously existing chemical and industrial hazardous substance storage, transfer, spill and disposal areas.

RESPONSE:

Subject to and without waiving the General Objections and more specifically, but without limitation, General Objection A and I, reference is made to documents previously exchanged with the NYSDEC in related litigation by Tishcon and specifically, without limitation, to the following reports of C. C. Rich Consultants, Inc.:

Brooklyn Avenue:

- CA RICH, November 1997, Focused Remedial Investigation Work Plan for On-Site Groundwater;
- CA RICH, July 1998, Remedial Design Investigation Work Plan;
- CA RICH, July 1999, Final Remedial Investigation Report for On-Site Groundwater;
- CA RICH, August 1999, Remedial Design Report;
- CA RICH, December 1999, Feasibility Study for OU-2;

- CA RICH, March 2000, Final Engineering Report and Operations & Maintenance Manual, Soil Vapor Extraction and Air Sparging System;
- CA RICH, August 2000, Off-Site Remedial Design Report for OU-2;
- CA RICH, August 24, 2004, Review of Off-Site Groundwater Conditions Related to Tishcon Corporation;
- CA RICH, November 2004, Final Engineering Report and Operations & Maintenance Manual, On-Site and Off-Site Soil Vapor Extraction and Air Sparging System;
- CA RICH, July 2006, On-Site Air Sparging/Soil Vapor Extraction System Closure Report, Tishcon Corporation, 30 New York Avenue, Westbury, NY, Site No.: 130043E; and
- CA RICH, April 2007, Site Management Plan Tishcon Corporation, 30 New York Avenue, Westbury, NY, Site No.: 130043E.

REQUEST 5.

For each Property identified in question 2., above, at which your Company conducted operations, describe in detail the manufacturing processes and/or other operations that your Company conducted at the Property, and identify the years during which your Company conducted operations there. If those operations were not constant throughout your Company's operations, describe the nature of all changes in operations, and state the year of each change. If detailed information about your Company's operations is not available, provide, at a minimum, a general description of the nature of your Company's business at the Property, the years of operation, the type of work your Company conducted, and the number of employees for all the operations.

RESPONSE:

Subject to and without waiving the General Objections and more specifically, but without

limitation, General Objection A and I, Respondents state as follows:

Brooklyn Avenue: Patel Trust has never conducted any operations at this property.

REQUEST 6.

With respect to industrial wastes at a Property:

a. List all industrial wastes that were used, stored, generated, handled or received by your Company at the Property. Your response to this questions should include, but not be limited to, use, storage, generation and/or handling of trichloroethylene ("TCE"), tetrachloroethylene ("PCE"), 1,1,1-trichloroethane ("1,1,1-TCA") and other chlorinated or non-chlorinated solvents. Be as specific as possible in identifying each chemical, and provide, among other things, the chemical name, brand name, and chemical content.

b. State when each industrial waste identified in your response to question 6a., above, was used, stored, generated, handled or received, and state the volume of each industrial waste used, stored, generated and/or handled on an annual basis; and

c. Describe the activity or activities in which each industrial waste identified in your response to question 6a., above, was used, stored, handled or received.

RESPONSE:

Not applicable as the Patel Trust has never operated on the Property.

REQUEST 7.

Describe in detail how and where the industrial wastes identified in response to question 6., above, were disposed. For each disposal location and method, state the nature and quantity of the material disposed of on an annual basis. For those time periods when a precise quantity is not available, provide an estimate.

RESPONSE:

Not applicable as the Patel Trust has never operated on the Property.

REQUEST 8.

Describe in detail any knowledge your Company has about intentional or unintentional disposal of industrial wastes at each Property identified in response to question 2., above, including but not limited to, TCE, PCE and/or other chlorinated or non-chlorinated solvents or wastes containing such solvents, at any time currently or in the past. Your response should include instances in which industrial wastes were spilled or otherwise disposed onto or into the floors or the ground from septic systems, pipes, drains, drums, tanks, or by any other means. Provide copies of all documents relevant to your response.

RESPONSE:

Not applicable as the Patel Trust has never operated on the Property.

REQUEST 9.

Identify all leaks, spills, or releases of any kind of any industrial wastes (including, but not limited to, TCE and PCE or other chlorinated or non-chlorinated solvents or wastes containing such solvents) into the environment that have occurred, or may have occurred, at or from the Property, including any leaks or releases from drums and other containers. Provide copies of all documents relevant to your response.

RESPONSE:

Not applicable as the Patel Trust has never operated on the Property.

REQUEST 10.

Explain whether any repairs or construction were implemented to address any leaks, spills, releases or threats of releases of any kind, the nature of the work and the dates of any such work. Provide copies of all analyses, characterizations, environmental assessments or studies or any other work conducted by your Company or by any other party on your Company's behalf relating to industrial wastes released at or from the Property and/or the Site. If any copies of the records requested in this question are

available electronically, kindly submit your answer to this question on a disk.

RESPONSE:

Not applicable as the Patel Trust has never operated on the Property.

REQUEST 11.

Provide copies of all insurance policies held and indemnification agreements entered into by the Company which may potentially indemnify the Company against any liability which it may be found to have under CERCLA for releases and threatened releases of hazardous substances at and from the Property. In response to this request, please provide not only those insurance policies and agreements which currently are in effect, but also those that were in effect during any portion of the time the Company conducted operations at, or held a property interest at the NCIA. Your response should also identify the specific Property related to each policy and/or agreement.

RESPONSE:

Subject to and without waiving the General Objections and more specifically, but without limitation, General Objection A and I, Respondents state as follows:

Respondents are unaware of any such insurance policy(ies).

REQUEST 12.

State the names, telephone numbers and present or last known addresses of all individuals whom you have reason to believe may have knowledge, information or documents regarding the use, storage, generation, disposal of or handling of industrial wastes at the Site, the transportation of such materials to the Site, or the identity of any companies whose material was treated or disposed of at the Site.

RESPONSE:

Raj Chopra, and Joe Elbaz of Tishcon, 50 Sylvester Street, Westbury, New York, and Kamal Chopra of Tishcon, 2410 W. Zion Road, Salisbury, Maryland 21501, have knowledge of

Tishcon's operations and its response to the State's requests for remedial action concerning the property and business operations of Tishcon; Eric Weinstock of Amec Foster Wheeler Environment and Infrastructure, and Steve Osmundsen of CA Rich Consultants, Inc. ("CA RICH"), 17 Dupont Street, Plainview, New York 11803, have knowledge concerning the investigation and/or remediation of actual or potential contamination at the properties.

REQUEST 13.

If you have information or documents which may help EPA identify other companies that conducted operations, owned property, or were responsible for the handling, use storage, treatment, or disposal of industrial wastes that potentially contributed to chlorinated solvent contamination at the Site, please provide that information and those documents, and identify the source(s) of your information.

RESPONSE:

See response to requests 3, 4, 5 and 12.

REQUEST 14.

Please state the name, title and address of each individual who assisted or was consulted in the preparation of your response to this Request for Information. In addition, state whether each such person has personal knowledge of the answers provided.

RESPONSE:

Raj Chopra, and Joe Elbaz of Tishcon, 30 New York Avenue, Westbury, New York, and Kamal Chopra of Tishcon, 2410 W. Zion Road, Salisbury, Maryland 21501, have knowledge of Tishcon's operations and its response to the State's requests for remedial action concerning the property and business operations of Tishcon at the Property. Ashwin Patel was consulted in

connection with the details relating to the Patel Trust and its ownership interests in Brooklyn Avenue.

Dated: White Plains, New York
October 21, 2015

McCARTHY FINGAR LLP

By: 

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